

STATE OF MARYLAND

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Shari T. Wilson, Secretary

BILL NO: House Bill 486

COMMITTEE: Environmental Matters Committee

POSITION: Oppose

TITLE: Environment – Water Appropriation or Use Permits – Wells

BILL ANALYSIS:

This bill requires that a water appropriation and use permit issued by the Maryland Department of the Environment contain a prohibition on the capping or elimination of an existing well and a requirement to install a hand pump for any well not already equipped with one. The bill makes an exception to the prohibition for wells that are already contaminated.

POSITION AND RATIONALE:

MDE opposes HB 486. This proposed bill contradicts existing statute and regulations intended to protect public health and ground water quality. The bill is impractical, contrary to good practices, and would cause the Department to enforce provisions that could ultimately decrease the safety of public water systems. The bill would also render water level monitoring impractical and increase the likelihood of contamination of ground water aquifers.

Both Maryland Statute (Environment Article §9-1302 and §9-1309) and Code of Maryland Regulation (§26.04.04.11) require that all abandoned wells be properly sealed in a manner intended to restore as nearly as possible those subsurface conditions which existed before the well was constructed. These laws and regulations protect groundwater quality by requiring wells that are not being used or which are in disrepair to be properly sealed so they do not provide a means for waters of undesirable quality to enter and contaminate groundwater. By limiting the capping to only when a well has become contaminated, the bill restricts the ability of the Department to prevent the pollution of the State's waters. Large numbers of wells with hand pumps, which may not be properly maintained over time, presents a significant threat to ground water quality in the State.

Local water suppliers rightly have a concern that allowing wells on properties served by the water system could lead to cross connections, particularly in areas where ground water contamination is prevalent. Local codes often govern whether or not a customer of a public water system can retain a well for other uses. The bill would not allow any water suppliers to implement their local ordinances or discretion concerning the use or existence of private wells in their water service area.

Additionally, the bill does not distinguish between supply wells and monitoring wells, and may preclude the maintenance of monitoring wells at service stations or ground water clean up sites within public service areas, which is contrary to existing regulations and MDE enforcement orders.

The bill is not implementable as written. Hand pumps can only be used on wells that are less than 200 feet deep, and only on wells that are 3” in diameter or less. In fact, the amount of pressure needed to obtain water from a hand pump on a deep well would be significant (i.e. 110 lbs of pressure to obtain 2 gallons per minute on a 3” diameter well that is 150 ft deep). In reality, hand pumps are only appropriate for routine use with shallow wells that are 25 feet deep or less.

The requirement to install a hand pump would also prevent the Department from obtaining valuable water level data from a whole network of monitoring wells across the state. Such monitoring is used for determining drought conditions, and long term trends in aquifer levels.

The proposed legislation ensures that the burden is on the local water supplier and MDE by enforcement of the permit. The legislation requires the Department of the Environment to prevent local authorities from protecting the long term integrity of their water systems. The legislation provides no requirements of the homeowner that the hand pump be maintained or that cross connections are prevented.

The bill would also require additional expenses of the permit holders to install hand pumps, whether or not a resident, business or other entity wishes to have one.

FOR MORE INFORMATION,
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